

406(b). Requested fees are reviewed for reasonableness; the amount may be reduced if, for example, the attorney is responsible for a delay in the proceedings or the award would amount to a windfall to counsel. *Gisbrecht v. Barnhart*, 535 U.S. 789, 808–09 (2002). Factors to consider in determining whether to approve a fee request include the existence and reasonableness of a contingency fee agreement and the complexity of the case. *Id.*; *Mudd v. Barnhart*, 418 F.3d 424, 428 (4th Cir 2005). When a 42 U.S.C. § 406(b) fee award and an EAJA fee award are both provided, the attorney must return the smaller award to the claimant. *Gisbrecht*, 535 U.S. at 796.

Here, plaintiff was awarded \$43,884 in past-due benefits. \$10,971.00 was withheld for possible attorney fees, as is the Commissioner's general practice. Plaintiff's counsel requests the full amount as his fee. The Court finds that, considering the circumstances of this case, including the length of the attorney-client relationship, time spent on the case, and complexity of the issues, in order to avoid a windfall for plaintiff's counsel, a fee award of \$8,000.00 is appropriate.

For the above reasons, plaintiff's motion [DE 26] is GRANTED but the award is REDUCED to \$8,000.00. Counsel is directed to refund to plaintiff the \$2,900.00 he received as an EAJA fee.

SO ORDERED, this the 2 day of December, 2018.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE